

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13439, of Penelope Chotas, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to use the first floor of the subject premises for transmission and automotive repairs (automobile repair garage) in a C-2-A District at the premises 1018 Bladensburg Road, N.E., (Square 4074, Lot 152).

HEARING DATE: May 13, 1981
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. At the public hearing, the Board determined that the proper lot number for the property in question was 152, rather than 827. The applicant testified that the Surveyor's Office had provided him with an incorrect plat.

2. The subject property is located in a C-2-A District on the west side of Bladensburg Road between Oates and Levis Streets, N.E.

3. The subject lot is forty-six feet wide by 125 feet deep.

4. The property is improved with a two story brick building covering the entire lot. That building has two street addresses, 1016 and 1018 Bladensburg Road.

5. The second floor of the building is used as an art studio, a use permitted as a matter-of-right in a C-2-A District.

6. The applicant has leased the entire building to Mr. Robert Dicker, who proposes to use the first floor of the building for transmission and other automotive repairs. The repairs would include replacing fuel and water pumps, tune-ups, brake work, and other minor auto repairs. There would be no body and fender work or automobile painting done on the premises.

7. The repair garage would be open from 7 a.m. to 6 p.m. Monday through Friday and 8 a.m. to 2 p.m. on Saturday.

8. Access to the garage by automobile is by way of a fifteen foot alley which connects to Oates Street. That alley also leads to a twenty foot alley which connects to 16th Street to the west. There is no vehicular access directly from Bladensburg Road, although there is a pedestrian door leading to the street.

9. The repair garage has been operating for two years without a proper certificate of occupancy or license. The operator testified that he was unaware that he needed permits to operate, and that after he was so advised by a District inspector, he proceeded to file the subject application.

10. The garage can accommodate seven vehicles to be worked on. For storage of automobiles at night, ten cars can be accommodated.

11. The operator testified that most repair work was done inside the building. He further testified that occasionally he will inspect cars in the alley to check fluid levels or make other minor adjustments.

12. There will be a maximum of three additional employees in the garage. The applicant testified that the business presently generates an average of less than five cars per day.

13. To the south of the property on Bladensburg Road is a gasoline service station in the C-2-A District. To the north is a flower shop, followed by a row dwelling and other commercial businesses in the C-2-A District. Across the alley to the east is an apartment house which fronts on Oates Street in the R-4 District. The frontage of property along Bladensburg Road in this area is primarily devoted to commercial use.

14. The repair garage is separated from the R-4 District by a public alley.

15. The relatively small size of the garage and the low number of vehicles to be serviced per day will result in no significant traffic volume. If the applicant observes the conditions to be imposed by the Board on the approval of this application, no objectionable impact on the alley will be created.

16. The application was referred to the Office of Planning and Development, as required by Sub-section 5101.5 of the Regulations. More than 120 days passed from the time of the referral to the date of the public hearing. No report from OPD was received in the record of the application.

17. Advisory Neighborhood Commission - 5B, by letter dated May 12, 1981, opposed the application and cited the following issues and concerns:

- a. The outside and inside of the property are littered with trash and debris.
- b. Garage customers congest the area.
- c. The garage creates objectionable noise for residents of the area.
- d. There is insufficient parking to serve the garage.
- e. There are existing transmission and automotive repair shops in the area.

18. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. As to those issues and concerns, the Board finds as follows:

- a. The operator testified that the accumulation of trash outside the building was from the art studio tenant on the second floor. He advised the Board that the trash would be removed, and subsequent to the close of the hearing, submitted photographs evidencing that the property had been cleaned. The Board will further impose conditions on the approval of the application requiring that the premises be kept clean.
- b. The low level of usage of the repair garage should not cause any significant traffic congestion. The Board will further prohibit parking in the alley or any repair work in the alley, to be sure that the alley system remains clear.
- c. The property is located in a commercial district. There is no evidence to indicate that there will be any more noise from the proposed use than by any other normal business use.
- d. The record reflects that there is sufficient room in the building to provide parking for the vehicles being worked on at the garage. The Board will further condition approval by prohibiting parking in the alley.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that she has complied with the requirements of Paragraph 5102.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The property is separated from a residential district by a public alley. The operation of the use will not create dangerous or other objectionable traffic conditions, as conditioned by the Board.

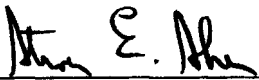
The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the existence of other transmission or auto repair businesses in the area is not relevant to the consideration of the subject application. The applicant seeks a special exception, and is required to meet the conditions of Paragraph 5102.41 and Sub-section 8207.2. Neither of those provisions requires the Board to consider the existence of other similar facilities in the area.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. The exterior of the property shall be cleaned on a daily basis and the interior shall be kept clean of debris.
3. All repair work shall be performed inside the building.
4. There shall be no parking of cars or repair work done in the alley.
5. The hours of operation shall be from 7 a.m. to 6 p.m. Monday through Friday, and from 8 a.m. to 2 p.m. on Saturday.

VOTE: 3-2 (William F. McIntosh, and Connie Fortune to GRANT; Ruby B. McZier to GRANT by PROXY; Douglas J. Patton OPPOSED; Charles R. Norris OPPOSED by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 SEP 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.